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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,590	03/24/2004	Mark Girard	10123/04201	3798
30636	7590	08/11/2006	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			DESANTO, MATTHEW F	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,590

Applicant(s)

GIRARD ET AL.

Examiner

Matthew F. DeSanto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cupp et al. (USPN 4,892,518).

Cupp et al. discloses an F-shaped connector for a dual well port, comprising: a trunk including first and second connector lumens extending therethrough, distal ends of each of the first and second connector lumens being connectable to proximal ends of separate catheter lumens; a first arm of the trunk extending from the trunk at an angle relative thereto and including an arm portion of the first connector lumen, a proximal end of the arm portion of the first connector lumen being fluidly connectable to a first well of the dual well port; and a second arm of the trunk extending from the trunk at an angle relative thereto and including an arm portion of the second connector lumen, a proximal end of the arm portion of the second connector lumen being fluidly connectable to a second well of the dual well port, wherein the first and second connector lumens are separate from one another so that fluid from the first well does not mix with fluid from

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the first well before reaching the distal ends of the first and second connector lumens (see figures 2, 7, 11A and entire reference).

3. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ensminger et al. (USPN 5,542,923).

Ensminger et al. discloses an F-shaped connector for a dual well port, comprising: a trunk including first and second connector lumens extending therethrough, distal ends of each of the first and second connector lumens being connectable to proximal ends of separate catheter lumens; a first arm of the trunk extending from the trunk at an angle relative thereto and including an arm portion of the first connector lumen, a proximal end of the arm portion of the first connector lumen being fluidly connectable to a first well of the dual well port; and a second arm of the trunk extending from the trunk at an angle relative thereto and including an arm portion of the second connector lumen, a proximal end of the arm portion of the second connector lumen being fluidly connectable to a second well of the dual well port, wherein the first and second connector lumens are separate from one another so that fluid from the first well does not mix with fluid from the first well before reaching the distal ends of the first and second connector lumens (see figure 4 and entire reference).

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tallarida et al. (USPN 6,962,577).

Tallarida et al. discloses an F-shaped connector for a dual well port, comprising: a trunk including first and second connector lumens extending therethrough, distal ends of each of the first and second connector lumens being connectable to proximal ends of

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separate catheter lumens; a first arm of the trunk extending from the trunk at an angle relative thereto and including an arm portion of the first connector lumen, a proximal end of the arm portion of the first connector lumen being fluidly connectable to a first well of the dual well port; and a second arm of the trunk extending from the trunk at an angle relative thereto and including an arm portion of the second connector lumen, a proximal end of the arm portion of the second connector lumen being fluidly connectable to a second well of the dual well port, wherein the first and second connector lumens are separate from one another so that fluid from the first well does not mix with fluid from the first well before reaching the distal ends of the first and second connector lumens (see figures 1, 9 and entire reference).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Matthew DeSanto
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August 6, 2006